

Inmate Reg. No. 62739-054
Metropolitan Detention Center
MDC - Brooklyn
P.O. Box 329002
Brooklyn, New York 11232

January 11, 2020

Honorable Katherine Polk Failla
United States District Court Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

**Re: *United States v. Lisi*, Criminal Case No. 1:15-cr-00457 (KPF)
Criminal Appeal No. 17-3158**

Dear Judge Failla:

I am a Defendant in the above-referenced matter(s). I am currently incarcerated at the Metropolitan Detention Center in Brooklyn, New York; a facility that I was never supposed to be housed in, as Your Honor and the Government are aware. I was transferred here on July 9, 2019, from FCI Ft. Dix in an act of sheer and utter retaliation for me writing to Your Honor on May 17, 2019, and for Your Honor contacting the Staff at Ft. Dix at my request. As the Court is further aware, the above-referenced proceeding is on appeal before the Second Circuit, where I am appearing *pro se* as I am herein before your Honor. Currently, I have a Motion for Compassionate Release and a Motion for Bail Pending Appeal docketed in the case before Your Honor.

The purpose of this letter is to request that I be granted permission to appear at the hearing before Your Honor on the aforementioned Motions via furlough (not writ), and on an expedited basis for the reasons as set forth below and in order to fully apprise Your Honor of the events that have transpired since I wrote to the Court on May 17, 2019. In the absence of such a hearing, it would be necessary for me to attempt to file with the Court a Memorandum with Exhibits that

would likely parallel, if not exceed, the sheer volume of the materials that were submitted by Attorney Grob for my sentencing. Absent being appointed an attorney by the Court to do this, I do not see how the filing of said documents would be remotely possible while I am incarcerated.

The need for such detail is evident from the fact that not only are there new and unforeseen hardships, but also that the situations detailed in the sentencing materials have become markedly worse, and as such there are many more materials and issues that I believe that the Court should be made aware of. The problem is that I cannot submit such a detailed presentation to the Court from my current location, because of my current circumstances here at MDC Brooklyn. In fact, as it stands now I fear that given the interference with my mail here, my lack of access to my legal materials that I need, my health issues which to this day are simply ignored, and for the many other reasons that I have raised, Your Honor is getting a piecemeal presentation instead of a complete picture of the circumstances as they stand now pertaining to the aforementioned Motions. As such, I am fearful that Your Honor's consideration of my mother's truly grave situation may not be able to be presented to the fullest extent necessary.

To say that the current circumstances my mother is in are tragically worse than they were at the time I sent the May 17, 2019 letter to Your Honor, let alone from the time that I was sentenced in this case, would be a gross understatement to say the least. In fact, the scope of the downward trajectory that my mother and I (as the sole person willing to attempt to be her caregiver) find ourselves enduring on a nearly daily basis, at this point, is so vast and constantly worsening that it is nearly impossible for me to keep up with these issues as they occur, and is simply not possible for me to convey to the Court in this letter. Thus, I can only touch on a few issues herein, with the hope that Your Honor will afford me an opportunity to appear before (via furlough) and to be heard by the Court in the immediate future, and so that I may attempt to provide Your Honor

with a more complete picture as to everything that is going on. It should be noted that a summary, even if it were possible for me to write, will not even come close to painting a complete and accurate picture of my mother's dire situation. However, I respectfully point to some of the more urgent matters as examples and not as an exhaustive list, in order to provide Your Honor with a clearer picture as to the beyond-desperate situation that my mother is now in.

The first of many issues and of greatest concern is my mother's state of declining health. In addition to those medical issues that I raise in both of the aforementioned Motions pending before this Court, I respectfully add the most recent and urgent updates that I have learned after dispatching the papers to be filed with the Court. Recently, I was informed by my mother that she has yet another "bladder infection", which comes from a "UTI" (urinary tract infection), which is caused by my mother not being cleaned properly and from not having her diapers changed routinely. My mother has told me that she has not been given a shower since the last shower that I gave her the day before I surrendered to prison. She, instead, receives woefully inadequate sponge baths in her bed from one aide, and no type of bath at all from the other aide. The completely avoidable lack of showers obviously contributes to my mother being more prone to contracting infections, especially since many of her aides do not change her sheets and gown daily, as I did, or even weekly as only one aide does (who does not speak English). Instead, the aides leave my mother in the same soiled linens for at least a month at a time.

The biggest problem with this type of infection in a person such as my mother is that it can lead to her blood going "septic" again, which is life-threatening. This type of infection has also caused large kidney stones to form; a condition that in her case is also life-threatening. These infections cause confusion in her thought process, as they affect my mother's brain (as the St. Francis Hospital Discharge Papers indicate, and as many Doctors informed me while I was at home

caring for my mother as her caregiver), which in turn makes an already untenable situation for my mother day to day, and making even more significant decisions that much harder on her.

As it is now, the stroke that she suffered has left her legally blind in her left eye and paralyzed with the exception of her right arm. She can barely see to read, has trouble reading without skipping lines and words, cannot use the telephone without assistance because she cannot look up telephone numbers, she cannot use a computer, email, or even open and read her own mail, or write a letter or mail something on her own. These problems are exacerbated by the fact that the only aide in my mother's life, who is willing to at least try and assist my mother adequately, can only read, write and speak Spanish. My mother, however, does not speak Spanish or even understand it, and instead can only communicate in English. That makes it difficult for her to communicate her needs to the only aide willing to listen. So, the addition of the completely avoidable infections that literally cause her mental confusion, make an already difficult situation nearly impossible for her to live with.

The stroke has also left her with short term memory damage, and as such, being confused because of an avoidable infection caused by lack of adequate care, which then in turn makes her (understandably) emotional and thus raises her blood pressure to alarming levels (blood pressure that caused the initial massive stroke that has left her like this). When combined with all of the other issues she is already contending with, this is a recipe for disaster the likes of which is more of a matter of "when" and not "if"; provided that I am not allowed to return home and resume caring for her. Simply put, all of this would not be happening if I was home taking care of her.

To further complicate matters, the "Cipro" antibiotics that my mother is taking to treat the bladder infection can, and most likely will, lead to her being infected with "CDIF" (CDEF). This is because the antibiotics used to treat the bladder/UTI infection destroy both the bad and good

bacteria in my mother's intestines, thus leaving her susceptible to CDIF which is another disease that can cause her blood to become septic and/or can lead to death from related complications, an avoidable fate that has almost befallen my mother on recent occasions. CDIF is caused by a combination of the introduction of foreign fecal matter (from a person cleaning her who has not properly cleaned their own hands, and who does not use gloves when changing her), into my mother's system, and the "good bacteria" being killed off by the antibiotics used to treat the bladder/UTI infection occurring in the same timeframe. Again, this was, and remains, avoidable if I were home taking care of my mother.

As mentioned in the papers already submitted to this Court, my mother has endured several life threatening hospitalizations in the years following my sentencing in this case due to this vicious yet avoidable calamity of errors and inadequate care. Aside from the obvious, however, the most urgent new problem is that my mother's body (and specifically her intestines) is already contending with the "GITZ" tumor (mass) that she has been diagnosed with. It is bad enough that she has yet to receive treatment for the GITZ tumor, but Vito Palmieri, Esq. and Steven Haffner, Esq., the only two remaining people in my mother's life that are willing to try and assist with contacting the doctors aside from myself, have been unsuccessful in speaking to the diagnosing doctor and/or obtaining my mother's medical records regarding the GITZ tumor diagnosis and plan for treatment (if any). I would be able to handle all of this for my mother, if I was home.

To make matters even worse, and as I explained in detail in the request for Compassionate Release that I submitted from here at MDC Brooklyn on October 16, 2019 (which I have not received a decision on to date), my mother cannot access her own doctors who saved her life from Stage IV Cervical, and later Stage IV Breast, Cancer in the 1990's. This is simply because my mother cannot get to her doctors because Medicaid/Medicare will not pay for her to be transported

to NYU or to Sloan Kettering, and my mother does not have the \$1,700 that she was advised she would need to pay out of pocket to the ambulance company in order to see her doctors. So, without me being home to literally take her to and communicate with her doctors, and help her navigate her treatment options, she has been and will remain confined to her bed with no help despite her routinely expressing to me her absolute desire to fight to stay alive, to successfully have her tumor treated, and to possibly "walk again one day", a dream of hers that she has relayed to me that she wishes to at least try to obtain before she passes on.

My mother also told me that her toenails have turned black, she has a "fungus growing on her skin", and she has even had bed sores. These potentially lethal conditions are also caused by lack of care including but not limited to the lack of proper cleaning (showers); being left in soiled linens and dirty clothes; a lack of movement (being positioned in bed, being moved in different positions in bed, and being placed in a chair daily for drainage purposes), and lack of sunlight (lack of being taken outside at least once a month). My mother has told me that the last time she was taken out of bed, put in a chair or even taken outside was by me when I was home the day before I surrendered to prison, with the exception of trips to the emergency room via ambulance and with the exception of her being put in a wheelchair for the first time in a long time the other day.

Unfortunately, without me being home to care for my mother soon, she may not live much longer let alone be able to at least try to obtain her goal of standing on her own or walking again (a goal that was attainable years ago). Instead, she is now lucky if she is moved even once a day from her left side to her right side in bed. For example, my mother explained to me that she was finally put in a wheelchair by a contractor for the homeowner's insurance company for the sole purpose of her surveying the devastating damage that the black mold had inflicted upon the home, and so that she may also see what family heirlooms had been stolen or destroyed by aides and

others that have been let into her home over the years following my surrender to prison. As previously noted in my papers filed with this Court, as well as in the Request for Compassionate Release (RIS) that I filed with the BOP (MDC), the black mold was primarily caused by the hot water heater being stolen and replaced with an older unit which leaked and eventually exploded, causing flooding which was not addressed or even noticed by the aides for months.

In addition, the black mold and water damage that caused the necessity for the entire basement and even the floors of the living quarters on her house to be completely demolished and replaced was caused by the aides breaking the washing machine and dishwasher to the point that the police had to be called to turn off the water, because the drainage/sewer pipes were bursting and the kitchen sink and toilets were overflowing from the materials that were introduced into the drainage system from the washing machine and dishwasher, causing the pipes in the house to be clogged. The black mold and construction to remedy same is obviously another avoidable stress on my mother's body (respiratory system) that she should not have to contend with in her condition, which could needlessly and senselessly lead to her premature demise. This is yet another situation that could be avoided if I was home caring for her.

As if the foregoing was not enough for my mother to have to endure, a social worker who used to attempt to assist my mother has informed me that my mother was also diagnosed with "CIEP", a condition that she explained to me was similar to MS. According to what I have been told, CIEP is related to and caused by further muscle atrophy and paralysis setting in because my mother is not being moved around and positioned in bed properly, is not being placed in a chair daily, is not being exercised (stretched), and is not being properly cared for. To further compound matters, my mother has told me that her physical therapy has been canceled since Medicaid/Medicare will not pay for a physical therapist to come to her home anymore. While I

was caring for my mother, I would stretch my mother and help her move her limbs and do the exercises that are medically required, as the aides are supposed to but refuse to do because they are "not comfortable touching or moving" my mother. This is despite the fact I am told my mother weighs between 95 and 110 pounds, and certainly not more than 120 pounds at the very most.

The CIEP, as I am told, is much like MS with regard to its debilitating, devastating, and overall incapacitating effects. The treatment is for her to stretch and be positioned and moved, and to be exercised daily, and without such treatment, the muscle atrophy and further paralysis will continue to the point that it affects her motor function control in her brain, which can eventually be life-ending. Obviously, this slow form of torture of being trapped in her own body and confined to the bed with nobody to move her is causing a detrimental impact on her emotional state, and surely causes her needless pain and suffering, mentally and physically, placing even more of a burden on her already over-stressed body. This is yet another completely avoidable catastrophe waiting to happen that sadly and tragically could be remedied to at least some meaningful degree, with someone such as myself simply caring for my mother on a daily basis.

My mother has also informed me that she was told by a dentist, who was sent to the house to check on pain in her mouth, that she has "19 broken teeth" and that she "needs to be hospitalized" in order for them to be fixed because she "cannot be treated in a dentist's office" given her current physical and health status. My mother also told me that she has been told that Medicaid/Medicare will not pay for the procedure. Again, another situation that would have never occurred if I was home flossing and helping her brush her teeth, cleaning her gums, helping her rinse her mouth, and helping her eat the proper food like I used to until I surrendered to prison; and, a situation that can, again, be remedied by me being home caring for her.

The simple fact that my mother is not being fed properly can lead to her untimely demise, and is another completely avoidable situation. Instead of following even the Hospital's discharge instructions, however, a home health aide as recently as the day before Christmas Eve fed my mother "Kentucky Fried Chicken" which cause her already failing Gallbladder to further malfunction. This led to her having a "gallbladder attack", which then led to the paramedics being called to the house. My mother's gallbladder diagnosis is such that she could literally die from it bursting and must not be fed overly-greasy food. Her acute hypertension that caused her massive stroke mandates that she not be given overly-salty food. Not only do the aftercare instructions clearly state that she is not to fed these types of foods, but the Medical Charts and Care Instructions that I created with the assistance of the doctors that saved my mother's life the night she had the stroke, and with my mother's original input, also clearly lay out in no uncertain terms a meal schedule and diet that she is to be kept on for the remainder of her life.

I have also recently learned that not only have the aides not been following these instructions, but that the Charts and Instructions are nowhere to be found, have been destroyed, or otherwise discarded. Even more alarming is the fact that since my surrender to prison, nobody has been taking my mother's vital signs four (4) times per day, charting them, and giving her the proper types and dosages of medications based on the charts and vitals (medications and dosages that are vital sign dependent, with hold and administer parameters of Q 2, 4, and 6), as I did as her caregiver; having been taught to do this by the registered nurses and doctors who were caring for my mother after her stroke.

So, not only are the aides not having my mother take her proper medications, at proper times, and in proper dosages, they are not even feeding her properly, if at all. This in and of itself is reason enough for me to be released to resume my duties as my mother's caregiver immediately,

especially given the fact that her very life depends on it. Put another way, my mother needs to eat to live, and she needs her teeth to eat. As it stands now, when she arrived at St. Francis Hospital a few months ago, my mother was found to be malnourished and vitamin deficient as well as dehydrated (a direct diagnoses).

My mother's body has already been diagnosed with: a permanently weakened immune system from the radiation therapy and other treatments that she had in the 1990's to save her life from two bouts with Stage IV Cancer (cervical and both breasts, 1992-2003) with her lymph nodes removed, and which is already attempting to contend with and fend off a GITZ tumor in her intestine; CIEP; UTI(s); Bladder Infection(s); CDIF (CDEF); a malfunctioning gallbladder; large kidney stones; bed sores; broken teeth; black nails and skin fungi; respiratory irritants and pollutants adversely affecting her pulmonary system; brain damage from a massive stroke; acute hypertension; paralysis; short term memory loss; blindness in her left eye; lack of mobility; lack of sun light; lack of showers while being left to sit in dirty diapers in her own feces and urine for hours, and in some cases a day or so in soiled linens and clothes. She also has to suffer the emotional and mental anguish and depression of being confined to her bed and trapped in her own body with no way to help herself as she is wasting away and not even being given a chance to fight to save her own life, and by not even being given access to her doctors while in foreclosure, with her life savings stolen, her son in prison, and nobody to help her to even open and read her mail or to write to someone for help. She does not need to starve to death or to be denied access to water to drink. The lack of proper nutrients, especially in my mother's case, is simply cruel and inhumane. This, again, would not be happening to my mother if I was home caring for her.

Likewise, my mother should not have to go through all of the aforementioned horrors and torture while being screamed at and threatened by people like those who have stolen from her, and

the aide(s), especially the one I wrote about in the Request for Compassionate Release that I filed with the BOP-MDC who I personally heard over a prison pay phone verbally abusing and screaming at my mother and threatening her. This point is made especially clear when one considers the fact that the very same aide that threatened her in March 2019, is somehow with my mother as I write this letter to Your Honor even though she was transferred off of her case after the police were called. Apparently, the agency reassigned this aide back to my mother's case after a hiatus of several months; the very same aide who also literally left my mother "up to her neck in her own feces and urine" to the point where the relieving aide said she found my mother in her own feces that had overrun the diaper, traveled up her back to her hair, and somehow to her face and mouth and down her legs to her feet. This was corroborated by my mother who was "shaken" and crying, and other people who witnessed this scene. This is also this same aide who my mother told me yesterday she is so afraid of, that she would not ask for "lunch" for fear that she would be yelled at, and that my mother called the police on a few days ago for yelling at and then ignoring her and who let strangers into my mother's home to "move things" against her wishes, and the very same aide who continues to neglect my mother to this day.

So, my mother, a stroke patient who cannot get out of bed and get her own food, rather than running the risk of being frightened, abused, or harmed any further, simply sits in her own bed with hunger pains getting nauseous from taking medicine without food, throwing up on herself, and starving to the point of being malnourished. Even more sickening and heart wrenching is that, when the hunger pains become too much for her to take, and she gets to the point where she is "going to pass out", she musters the courage to beg an aide like this for food, only to be neglected further by that very same aide who then gives my mother seven day old chicken to eat. Again, this would not be happening if I was home caring for my mother.

This is all happening to my mother in real time as I sit in prison, and I can only listen to her describe these horrors to me, which hit me wave after wave without being able to help her (something that is only natural for a son to want to help (save) his mother). In the midst of dealing with all of this, my mother has now received notice that she is in foreclosure again, over real estate taxes that are owed that the people who were her trustees but stole her money failed to pay years ago (a couple of years after my surrender to prison). To add to all of this, my mother could not even open or read her own mail to see that she is in foreclosure, and instead had to rely on an insurance contractor working on the black mold in the house to "take pictures of the documents with his cell phone and send them" to a friend of mine; a friend who has recently written to this Court about what she witnessed regarding my mother's need for me to come home. A friend of mine read to me over the prison pay telephone what the documents said, so I could then explain things to my mother and so that I could give her even more bad news, with no way to help her from prison. If I was home, this too would not be happening. Instead, my mother may be homeless before I can get home to save her.

As I sit here writing this letter to Your Honor, my mother languishes in pain and is suffering while I am virtually powerless to help her, despite the fact that I was never supposed to be separated from her for this long a period of time; incarcerated in MDC Brooklyn, a place that I was never supposed to be imprisoned in, while dealing with my own health and legal issues all of which have been ignored by the BOP. To make matters worse, this is all happening despite the promises that the Government has made. Specifically, as far back as early 2012 through the present, the Government has had actual knowledge of my truly serious health issues, yet to this day they have failed to take any steps to fulfill its obligations and promises, representations, and undertakings

that the various AUSA(s) have made on the record before Your Honor, Magistrate Judge Pitman, Judge Buchwald, Judge Swain, and others.

These representations run the gamut from ensuring that I: have use of a CPAP and a Nebulizer machine (both of which require an electrical outlet and extension cord) as the Government was directed to do by Judge Buchwald, Judge Pitman, and I believe Your Honor; I receive the proper medical care and or surgery by the BOP for my back, to include the treatment for the conditions that the Government's own Doctors found ail me in the IME's conducted by NYU; I receive adequate medical care for the cyst and upper left maxilla and loss of sinus and bone; that I have access to my legal materials; that I receive the proper surgery and or treatment for my left shoulder; and, that I receive the proper and adequate care for my asthma, high blood pressure and other health issues; along with being returned to a minimum security prison camp (Canaan), following my sentencing in this case in September 2017 (something that to date has not occurred). To date, not only has the Government broke every single one of these promises, obligations, representations and or undertakings, but has also failed to even live up to the promise it made on the record before Judge Buchwald, regarding the conduct involved the case before Your Honor, that induced me to take the plea in that case.

These broken promises from the very same people that are supposed to be the "good guys" have left me trying to help my mother, while dealing with my own issues, with both of my proverbial hands tied behind my back. I am in constant pain, have had horrific and avoidable asthma attacks (including one caused by the staff here deciding to lock us in our cells, and to close the outside ventilation door while they painted the floor of the unit with Oil-Based Marine-Grade Paint). I was beaten and extorted while at FCI Ft. Dix (long after I was supposed to be back at camp), cannot sleep here at MDC (was without a full mattress for months, still have no use of a

CPAP or nebulizer), have been denied physical therapy, have not been given any treatment or adequate medical care, have been deprived at times of my medication(s) for weeks, have been locked in a maximum security cell with no working panic button by myself for days, have literally been not fed on occasion, have not been given the surgeries that the BOP's own doctors have recommended, have had my outgoing and incoming mail tampered with and in some cases stolen (as was the case with the original documents that were meant for Your Honor), and have had the legal materials (some of which Your Honor Ordered the BOP to provide me with, and had the taxpayers pay to duplicate and send to me), that I need to finish my appeal.

There are even more issues than this, however, they are better suited for presentation at a hearing before Your Honor, especially in light of the fact that I have been trying to draft, complete, and have filed this very letter to Your Honor since New Year's Day, but have been prevented from doing so, thus further establishing the fact that I need bail pending appeal to at least have a chance to draft and file my reply brief while caring for my mother and while attempting to get help for my neglected medical issues. In fact, as I am writing this very section of this letter to Your Honor, it is now January 17, 2019 (17 days since I began to write this letter) because of situations that are constantly occurring here at MDC at a remarkable and highly abnormal rate, like the one that just needlessly delayed me getting this letter to the Court that transpired over the past two days.

Specifically, the entire MDC prison was placed on yet another lockdown (for a combined total that soon, at this rate, will surpass the total number of all of the lockdowns that I have experienced in all of the prisons that I have been to combined), for some unknown and mysterious reason, wherein I was confined to my cell (without a functioning panic button) for nearly 48 hours, with meals being delayed or completely missed, no medical care other than pill line, and with no access to a computer (Trulincs) to complete this letter, or a telephone to call and check on my

mother. I had to sit here during lockdown without knowing if my mother was even alive, without being to help her, with the knowledge that she was alone with the aide that has abused her, without the legal materials that I need to work on my appeal or either of the Motions pending before this Court, while witnessing two other inmates be let out of their cells to get some air and to use the telephone, and while seeing another inmate moved into the cell that has access to an electrical outlet while I, having been here for nearly seven (7) months without my CPAP machine, continue to wait and suffer. All of the aforementioned being First, Fifth, and Eighth Amendment violations of my Constitutional Rights.

As if the foregoing was not reason enough for me to granted the relief that I seek in the Motions that I have pending before this Court, upon being released form the lockdown a little while ago I immediately called my mother to check on her as soon as one of the three working prison pay phones in this Unit became available for me to use. My mother sounded sick, tired, and faint, to the point where I became extremely concerned for her life. She told me that she felt nauseous, so I asked her what she ate and what her symptoms were. She was confused at first, but then responded that she ate chicken (the very same chicken that was over 1 week old). I then asked her to call the aide to the telephone. The Spanish speaking only aide did her best to communicate with me and said that "your mommy has pain." I then asked some questions that the aide could not answer, and upon hearing the tone in her voice, instructed her to "dial 911" and to have my mother transported to the hospital, since nausea in my mother is a sign of her blood going septic again, as is confusion, according to the aftercare instructions provided by St. Francis Hospital.

After calling my mother back an hour later (since I have to wait an hour to make a fifteen minute call), I was informed that the ambulance was on the way to her house, but that the medical history paperwork that took me months to get to my mother for the purposes of the aides showing

any first responder or doctor her current medical conditions and medical history could not be found again. I now have to wait another hour or so until I can use the telephone to check on my mother's condition, wellbeing, and whereabouts. So, I cannot even speak to the paramedics from here, let alone the doctors to explain her preexisting conditions or medical history.

Thus, it is clear that in addition to everything else going on, it is impossible for me to help my mother, to perfect my appeal, draft my reply brief, continue to write to this Court to defend myself while I am here in prison at MDC, dealing with these circumstances, while suffering from the medical and other issues that I am contending with and while trying to get home to help my mother before it is too late. Despite all of this, however, it must be noted that I, in an effort to attempt resolve some of these issues, wrote to Your Honor only to have that be used against me, to the point that I was retaliated against by the BOP moving me to a place where Your Honor, the Government, and my attorney(s) at the time specifically had me moved and kept away from. I even followed Your Honor's instructions by filing a Motion for "Stand By Counsel" in the appeal currently pending before the Second Circuit. Said Motion was denied, along with the relief that I sought in several other Motions in an effort to help myself.

My current fear is that without being afforded an opportunity to appear before Your Honor in the next few days, I will be retaliated against again, the documents that I have to present to the Court will never get before the Court, and Your Honor will thus not have a complete picture of everything going on when making a decision on the matters pending before the Court. I also fear that if I send the copies of the documents that have already gone missing in the mail to Your Honor, that same will be forever lost. Accordingly, I believe that it is important for Your Honor to see these documents by way of me appearing before the Court via furlough as soon as possible.

It is important to note the fact that I was a self-surrender to Camp Canaan (where I was a Van Driver), am eligible for community status, and am a minimum security inmate with Zero security points and a spotless prison record. I have also served over eighteen months on home detention, am eligible for twelve months home confinement, and I should receive at least two days credit for every one day that I was confined and continue to be confined at, an institution that far exceeds my security classification (especially from the day of sentencing in this case, through to present day, at a minimum). If released on bail pending appeal, I pose no threat to the community and I have employment waiting for me. On bail, I could provide my mother with the immediate care, food, secure shelter, and quality of life that she deserves and is in desperate need of, while giving her a chance to live and attempting to stabilize her and her situation as well as tend to my own urgent medical needs and finish my reply brief on appeal, or alternatively seek the assistance of counsel on all matters. All of this would also provide the overburdened taxpayers with relief.

Therefore, on behalf of my beautiful and amazing mother, who is my hero, I beg of you, Your Honor, and pray that you will give my mother a chance at life by letting me go home to care for her before it is too late. She put it best when she said "I also feel like I have been incarcerated for the last several years. I lie in my bed, completely paralyzed, I defecate, urinate, and eat in the same bed, and I am lucky I brush my teeth. I long to get outside and see day light and have some fresh air." My mother, who has done nothing wrong, should not be condemned to death just because I was condemned to an additional term on imprisonment for "general deterrence" purposes.

Accordingly, it is respectfully requested that I be permitted to appear via furlough before this Court to present the additional documents that I have, and to explain matters further, in order that my requests for bail pending appeal and for compassionate release (that fit within the "catchall

provision" of "any other extraordinary and compelling circumstances", as the revised statutes and policies provide and as the Court confirmed and found in the *Walker* case), be granted, or in the alternative, that this Court delay execution of the sentence imposed upon me in this case (relief that both of my co-defendants were granted) and/or grant me a temporary suspension of sentence, so that I can get home to help my mother.

Respectfully Submitted,

/s/ Brandon Lisi
Brandon Lisi
Incarcerated Inmate
Petitioner, *pro se*
Reg. # 62739-054
MDC Brooklyn
P.O. Box 329002
Brooklyn, NY 11232

The Court is in receipt of Defendant's request for furlough. Contrary to Defendant's belief that he needs to appear before the Court in order to inform it effectively of his mother's condition, the Court believes that Defendant has already done a commendable job, in this letter and prior submissions, of making the Court so aware. The Court is already in receipt of Defendant's motion for compassionate release and multiple letters in support of the motion (Dkt. #200, 203, 204), and therefore does not believe a furlough is warranted. Defendant's request is DENIED.

Dated: January 29, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Brandon Lisi
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MDC Brooklyn
P.O. Box 329002
Brooklyn, NY 11232